

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RAYMOND DAVIS,
Plaintiff,

v.

JACQUELINE BLUTH, et al.,
Defendants.

Case No. 2:20-cv-01696-APG-EJY

ORDER

On September 14, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. ECF No. 1-1. Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action in this Court may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed In Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court grants Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$400 filing fee for this action on or before **October 15, 2020**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$400 filing

1 fee on or before **October 15, 2020**, the Court will dismiss this case without prejudice for Plaintiff to
 2 file a new case with the Court when Plaintiff is either able to acquire all three of the documents
 3 needed to file a fully complete application to proceed *in forma pauperis* or pay the full \$400 filing
 4 fee.

5 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
 6 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
 7 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an
 8 application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before
 9 **October 15, 2020** to proceed with this case.

10 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court will not
 11 file the complaint unless and until Plaintiff timely files a fully complete application to proceed *in*
 12 *forma pauperis* with all three documents or pays the full \$400 filing fee.

13 For the foregoing reasons,

14 IT IS HEREBY ORDERED that the Clerk of the Court shall send Plaintiff the approved form
 15 application to proceed *in forma pauperis* by an inmate, as well as the document entitled information
 16 and instructions for filing an *in forma pauperis* application.

17 IT IS FURTHER ORDERED that on or before **October 15, 2020**, Plaintiff shall either pay
 18 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
 19 administrative fee) or file with the Court:

20 (1) a completed **Application to Proceed In Forma Pauperis for Inmate** on this Court's
 21 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
 22 3),

23 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
 24 (i.e. page 4 of this Court's approved form), and

25 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
 26 **six-month period.**

27 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
 28 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action

1 on or before **October 15, 2020**, the Court will dismiss this action without prejudice for Plaintiff to
2 refile the case with the Court, under a new case number, when Plaintiff has all three documents
3 needed to file a complete Application to Proceed *In Forma Pauperis* or is able to pay the full \$400
4 filing fee.

5 IT IS FURTHER ORDERED that the Clerk of the Court shall retain Plaintiff's complaint
6 (ECF No. 1-1) but will not file it at this time.

7 DATED this 15th day of September, 2020.

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10 ELAYNA J. YOUCHAH
11 UNITED STATES MAGISTRATE JUDGE
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